

<p>IN RE:</p> <p>GOLDFIELD ACCESS NETWORK, L.C.,</p> <p>Complainant,</p> <p>v.</p> <p>U S WEST COMMUNICATIONS, INC.,</p> <p>Respondent.</p>	<p>DOCKET NO. FCU-00-1</p>
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(Issued January 31, 2000)

Goldfield alleges Article IX, Section B1a of its interconnection agreement with U S WEST provides that

[t]he parties shall provide number portability on a reciprocal basis to each other to the extent technically feasible, and in accordance with rules and regulations as from time to time prescribed by the FCC and/or the Commission.

Subsections b and c set standards for the provision of interim number portability (INP) until such time as permanent number portability is implemented. Goldfield alleges that, without proper notice or coordination efforts, U S WEST unilaterally terminated the provision of INP and, as a result, it has been unable to sign up customers in two Iowa exchanges since mid-December of 1999.

Goldfield also alleges that U S WEST is acting in violation of the Board's declaratory ruling issued March 4, 1999, in Docket No. DRU-99-1 by refusing to provide EAS for Goldfield's customers located within the Humboldt, Iowa, exchange.

In addition to the previous allegations, Goldfield claims it has experienced recurring delays in response to requests for service from U S WEST due to alleged preferential service to U S WEST's own customers at the expense of service to other providers.

Lastly, Goldfield alleges that it is continuing to experience an inordinate number of problems caused by U S WEST in the transfer of customers.

Goldfield asks that the Board docket the complaint as a formal proceeding, establish an expedited procedural schedule pursuant to Iowa Code § 476.101(8) (1999), and determine that U S WEST has engaged in acts prohibited by the Iowa and federal statutes, and the regulations and terms of the interconnection agreement between the parties. Goldfield further requests the Board to issue an order prohibiting U S WEST from engaging in similar conduct in the future.

Iowa Code § 476.101(8) (1999) provides, in relevant part, that when the Board initiates formal complaint proceedings in response to a written complaint regarding a local exchange carrier's compliance with §§ 476.96 through 476.102, "[t]he board shall render a decision in the proceeding within ninety days after the date the written complaint was filed." Thus, the deadline for Board action in this docket is April 19, 2000, and the Board is docketing this matter and establishing a procedural schedule that will satisfy that requirement.

The Board also finds that the limited time available for this proceeding means that the 14-day period for responding to motions, set forth in 199 IAC 7.7(11), is impractical in this proceeding. The Board will order that responses to all motions must be filed within five days of the date the motion is filed. In order to accommodate that abbreviated time frame, parties are directed to serve all motions by facsimile transfer or electronic mail, as well as by United States mail, on or before the date of filing.

IT IS THEREFORE ORDERED:

1. The Complaint filed on January 20, 2000, by Goldfield Access Network, L.C., against U S WEST Communications, Inc., is docketed for investigation as Docket No. FCU-00-1.
2. Any persons desiring to intervene in this docket shall file a petition to intervene on or before February 8, 2000.
3. The following procedural schedule is established for this proceeding:

a. Goldfield and any intervenors shall file any prepared direct testimony, with supporting exhibits and workpapers, on or before February 10, 2000.

b. U S WEST shall file any responsive testimony, with supporting exhibits and workpapers, on or before February 22, 2000.

c. A hearing for the purpose of receiving testimony and cross-examination of all testimony will commence at 9 a.m. on March 2, 2000, in the Board's hearing room at 350 East Maple Street, Des Moines, Iowa. Parties shall appear at the hearing one-half hour prior to the time of hearing to mark exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Board at 515-281-5256 to request that appropriate arrangements be made.

d. Any party desiring to file a brief may do so on or before March 16, 2000.

4. In the absence of objection, all workpapers shall become a part of the evidentiary record at the time the related testimony and exhibits are entered in the record.

5. In the absence of objection, all data requests and responses referred to in oral testimony or cross-examination, which have not previously been filed with the Board, shall become a part of the evidentiary record. The party making reference to the data request or response shall file an original and six copies at the earliest possible time.

6. In the absence of objection, if the Board calls for further evidence on any issue and that evidence is filed after the close of hearing, the evidentiary record shall be reopened and the evidence will become a part of the evidentiary record five days after filing. All evidence filed pursuant to this paragraph shall be filed no later than seven days after the close of hearing.

7. Pursuant to 199 IAC 7.7(11), the deadline for filing responses to motions will be no later than five days from the date the motion is filed. All motions should be served on all other parties, and on all persons who have filed a petition to intervene that has not yet been ruled upon, by facsimile transfer or by electronic mail, as well as by United States mail.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr. /s/ Diane Munns
Executive Secretary

Dated at Des Moines, Iowa, this 31st day of January, 2000.